

## **REMARKS**

By this Amendment, Applicant amends claims 1, 4-6, 12, 13, 16, 17, and 20.

Claims 1-20 are currently pending.

In the Office Action, the Examiner rejected claims 13 and 17 as informal; rejected claims 1, 13, and 17 under 35 U.S.C. § 112, second paragraph, as being indefinite; rejected claims 1, 3, 8, 9, 13, 15, 17, and 19 under 35 U.S.C. § 102(b) as being anticipated by Japanese Patent No. JP09-190306 to Mochizuki ("Mochizuki"); rejected claims 2, 4-6, 14, 16, 18, and 20 under 35 U.S.C. § 103(a) as being unpatentable over Mochizuki in view of Japanese Patent No. JP10-098605 to Kondo et al. ("Kondo"); and rejected claims 7 and 10-12 under 35 U.S.C. § 103(a) as being unpatentable over Mochizuki in view of U.S. Patent Application Publication No. 2002/0101443 to Yamaguchi et al. ("Yamaguchi").<sup>1</sup>

### **Regarding the claim objection**

Applicant respectfully traverses the Examiner's objection to claims 13 and 17 as informal. Applicant does not agree that "is input" is grammatically incorrect. However, to expedite the prosecution of the application, Applicant has amended claims 13 and 17 to recite "is inputted," as suggested by the Examiner. Accordingly, Applicant respectfully requests withdrawal of the objection to claims 13 and 17.

### **Regarding the rejection under 35 U.S.C. § 112**

Applicant respectfully traverses the Examiner's rejection of claims 1, 13, and 17 under 35 U.S.C. § 112, second paragraph, as being indefinite. However, to expedite

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<sup>1</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

the prosecution of this application, Applicant has amended claims 1, 13, and 17 to recite "is not transmitting" instead of "fails to transmit" to more clearly match the specification. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 1, 13, and 17.

**Regarding the rejection under 35 U.S.C. § 102**

Applicant respectfully traverses the Examiner's rejection of claims 1, 3, 8, 9, 13, 15, 17, and 19 under 35 U.S.C. § 102(b) as being anticipated by Mochizuki. In order to anticipate Applicant's claimed invention under 35 U.S.C. § 102, each and every element of the claim in issue must be found, either expressly described or under principles of inherency, in a single prior art reference. Further, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." See M.P.E.P. § 2131, quoting Richardson v. Suzuki Motor Co., 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Independent claim 1, as amended, recites a combination including, for example, "a second control unit configured to control the transmission unit to start a second transmission of the command when the input unit inputs the second instruction and the transmission unit is not transmitting the data, to control the transmission unit to not start the second transmission when the transmission unit is transmitting the data having the first identification information corresponding to the second identification information of the command, and to control the transmission unit to interrupt the first transmission and to start the second transmission when the transmission unit completes transmitting the data having the first identification information corresponding to the second identification

information of the command.” (emphasis added.) Mochizuki fails to disclose at least the above claim elements as recited by the amended claim 1.

Mochizuki discloses that “a control part 112b directly transfers the control command of the printer 160 to the controller 150 with no intervention of the area 113. Therefore, the control command is sent to the printer 160 in preference to the image data.” Mochizuki, abstract. Mochizuki teaches transmitting the control command of a printer to a printer directly, without minding a spooler field, by giving priority to control command over image data, or transmitting the control command to the spooler field to be transmitted according to the order of the spooler field. See Mochizuki, paras. [0037] and [0048]. However, Mochizuki does not disclose at least either “the data having the first identification information,” or “command having second identification information for identifying data corresponding to the command,” as recited in amended claim 1.

Moreover, Mochizuki fails to disclose “a second control unit configured to control the transmission unit to start a second transmission of the command when the input unit inputs the second instruction and the transmission unit is not transmitting the data, to control the transmission unit to not start the second transmission when the transmission unit is transmitting the data having the first identification information corresponding to the second identification information of the command, and to control the transmission unit to interrupt the first transmission and to start the second transmission when the transmission unit completes transmitting the data having the first identification information corresponding to the second identification information of the command,” as recited in amended claim 1 (emphasis added).

Therefore, Mochizuki fails to disclose each and every element of amended claim 1. Mochizuki thus cannot anticipate claim 1 under 35 U.S.C. § 102. Accordingly, Applicant respectfully requests withdrawal of the Section 102 rejection of claim 1. Because claims 3, 8, and 9 depend from claim 1, Applicant also requests withdrawal of the Section 102 rejection of claims 3, 8, and 9 for at least the same reasons as stated above.

Further, independent claims 13 and 17, as amended, while of different scope, recite similar language to that of claim 1. Claims 13 and 17 are therefore also allowable for at least the same reasons stated above with respect to claim 1. Applicant also requests withdrawal of the Section 102 rejection of claims 13 and 17 and their respective dependent claims 15 and 19.

**Regarding the rejection under 35 U.S.C. § 103**

Applicant respectfully traverses the Examiner's rejection of claims 2, 4-6, 14, 16, 18, and 20 under 35 U.S.C. § 103(a) as being unpatentable over Mochizuki in view of Kondo, because a *prima facie* case of obviousness has not been established.

In order to establish a *prima facie* case of obviousness under 35 U.S.C. § 103, three basic criteria must be met. First, the prior art reference (or references when combined) must teach or suggest all the claim elements. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Third, there must be a reasonable expectation of success. See M.P.E.P. § 2143.

Claims 2 and 4-6 depend from claim 1, either directly or indirectly. As set forth above, Mochizuki fails to teach or suggest at least “a second control unit configured to control the transmission unit to start a second transmission of the command when the input unit inputs the second instruction and the transmission unit is not transmitting the data, to control the transmission unit to not start the second transmission when the transmission unit is transmitting the data having the first identification information corresponding to the second identification information of the command, and to control the transmission unit to interrupt the first transmission and to start the second transmission when the transmission unit completes transmitting the data having the first identification information corresponding to the second identification information of the command,” as recited in amended claim 1 and required by claims 2 and 4-6 (emphasis added).

Kondo fails to cure Mochizuki's deficiencies. The Examiner alleges that “Kondo et al. teaches the limitation of further comprising a third control unit configured to control the transmission unit to resume the first transmission interrupted by the second control unit, the first transmission interrupted being restarted after the command has been transmitted (Fig. 4, paragraphs 0033-0034).” (Office Action at 6.) However, even assuming the Examiner's allegation is true, which Applicant does not necessarily agree with, Kondo fails to teach or suggest at least the above listed claim elements.

Therefore, neither Mochizuki nor Kondo, taken alone or in any reasonable combination, teaches or suggests all elements recited by claim 1 and required by claims 2 and 4-6. A *prima facie* case of obviousness has not been established. Accordingly,

Applicant respectfully requests withdrawal of the Section 103 rejection of claims 2 and 4-6.

Further, claims 14 and 16 depend from claim 13 and claims 18 and 20 depend from claim 17. Because claims 13 and 17, while of different scope, recite similar language to that of claim 1, claims 13 and 17 are also allowable over Mochizuki in view of Kondo for at least the same reasons stated above. Applicant also requests withdrawal of the Section 103 rejection of claims 14, 16, 18, and 20 at least due to their dependency from an allowable base claim.

Applicant also respectfully traverses the Examiner's rejection of claims 7 and 10-12 under 35 U.S.C. § 103(a) as being unpatentable over Mochizuki in view of Yamaguchi, because a *prima facie* case of obviousness has not been established.

Claims 7 and 10-12 depend from claim 1, either directly or indirectly. As set forth above, Mochizuki fails to teach or suggest at least "a second control unit configured to control the transmission unit to start a second transmission of the command when the input unit inputs the second instruction and the transmission unit is not transmitting the data, to control the transmission unit to not start the second transmission when the transmission unit is transmitting the data having the first identification information corresponding to the second identification information of the command, and to control the transmission unit to interrupt the first transmission and to start the second transmission when the transmission unit completes transmitting the data having the first identification information corresponding to the second identification information of the command," as recited in amended claim 1 and required by claims 7 and 10-12 (emphasis added).

Yamaguchi fails to cure Mochizuki's deficiencies. The Examiner alleges that "Yamaguchi et al. teaches the limitation of the transmission unit utilizes a radio communication technique called Bluetooth (paragraph 0024), . . . [and] the limitation of the command includes an image display command used to command the receiving apparatus to display an image of first image data included in the image data already transmitted to the receiving apparatus (abstract)." (Office Action at 9.) However, even assuming the Examiner's allegation is true, which Applicant does not necessarily agree with, Yamaguchi fails to teach or suggest at least the above listed claim elements.

Therefore, neither Mochizuki nor Yamaguchi, taken alone or in any reasonable combination, teaches or suggests all elements recited by claim 1 and required by claims 7 and 10-12. A *prima facie* case of obviousness has not been established. Accordingly, Applicant respectfully requests withdrawal of the Section 103 rejection of claims 7 and 10-12.

### **Conclusion**


In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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